

**REMARKS/ARGUMENTS**

Claims 1 through 21, 23 and 24 remain in this application, and claims 1 and 17 have been amended.

Claims 1 through 21, 23 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. US2002/0078151A1 to Wickam, et al. ("Wickam, et al. publication") in view of U.S. Patent No. US6,430,604B1 to Ogle, et al. ("Ogle, et al. patent").

Independent claim 1 as amended provides, *inter alia*, "forwarding the communication message to a particular next device, associated with a next user, of the at least one next device of the forwarding list if the target device is unavailable for text messaging with the originating device, wherein the forwarding list is a contact or buddy list for an instant messaging system". Support for the above added recitation is provided at page 14, line 5, through page 15, line 7, of the specification and represented by steps 224, 226 and 228 of FIG. 2.

In contrast, the Wickam, et al. publication and the Ogle, et al. patent do not describe or suggest forwarding a message to the next device associated with a next user, different from the target user, of a contact or buddy list of an instant messaging system, as required by independent claim 1. Both the Wickam, et al. publication and the Ogle, et al. patent are directed to forwarding features that forward calls or messages to different devices associated with the same user. Paragraph [0045] of the Wickam, et al. publication describes a "find me" mode that sequentially connects with various devices corresponding to a user name and a "follow me"

mode that directs a communication initially to a device most recently used, or preselected by, a user. It should be noted that the examples of the "follow me" mode (for Sue, Bob and Terry) direct communication to different devices of the same user. The Ogle, et al. patent describes a registry that can include multiple message recipients but, for message forwarding, the message is forwarded to a particular alternate delivery mechanism associated with the recipient (see col. 3, lines 16 through 19). The Wickam, et al. publication and the Ogle, et al. patent do not describe or suggest forwarding a message to the next device associated with a next user different from the target user, as required by independent claim 1. Therefore, independent claim 1 as amended distinguishes patentably from the Wickam, et al. publication, the Ogle, et al. patent, and the suggested combination of these references.

Claims 2 through 16 depend from and include all limitations of independent claim 1 as amended. Therefore, claims 2 through 16 distinguish patentably from the Wickam, et al. publication, the Ogle, et al. patent, and the suggested combination of these references for the reasons stated above for independent claim 1.

The limitations of claim 22, now canceled, have been added to independent claim 17. In particular, independent claim 17 as amended provides, *inter alia*, "wherein the messaging proxy selects a next user from the forwarding list until an available next user is found".

In contrast, the Wickam, et al. publication and the Ogle, et al. patent do not describe or suggest selects a next user from the forwarding list, as required by independent claim 17. Both the Wickam, et al. publication and the Ogle, et al. patent are directed to forwarding features that forward calls or messages to different devices associated with the same user, as explained above

in regard to claim 1. Therefore, independent claim 17 as amended distinguishes patentably from the Wickam, et al. publication, the Ogle, et al. patent, and the suggested combination of these references.

Claims 18 through 21, 23 and 24 depend from and include all limitations of independent claim 17 as amended. Therefore, claims 18 through 21, 23 and 24 distinguish patentably from the Wickam, et al. publication, the Ogle, et al. patent, and the suggested combination of these references for the reasons stated above for independent claim 17.

In view of the above, reconsideration and withdrawal of the rejections of claims 1 through 21, 23 and 24 are respectfully requested.

### **CONCLUSION**

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request

that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
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